

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3041 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners/claim petitioners aggrieved by the order dated 11.11.2019 passed in I.A.No.173 of 2018 in O.P.No.187 of 2018 by the I Additional District Judge, Khammam, whereby the application filed by the first respondent herein/Insurance Company, under Order I Rule 10 read with Section 151 of CPC, to implead the owner of TATA ACE bearing No.AP20TB-7515 as respondent in the main petition, was allowed.

2. Heard learned counsel for the revision petitioners/claim petitioners and perused the record.

3. Learned counsel for the revision petitioners would contend that as per the charge sheet there is rash and negligence on the part of the driver of Bajaj Auto bearing No.TS O4-UB-5385 and there was no negligence on the part of TATA ACE bearing No.AP20TB-7515. Therefore, the owner of TATA ACE bearing No.AP20TB-7515 is not a necessary party to the subject O.P. The Tribunal erroneously allowed the implead application and ultimately prayed to set aside the same.

4. As per the record, accident occurred on 29.01.2018 and there is involvement of two vehicles, viz., Bajaj Auto bearing No.TS O4-UB-5385 and TATA ACE bearing No.AP20TB-7515. Therefore, as recorded by the Tribunal, the proposed party, who is the owner of TATA ACE bearing No.AP20TB-7515 is a

necessary party. The Tribunal is justified in passing the impugned order. This revision petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed at the stage of admission.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 19.12.2019
ssp

